

UNITED STATE DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

**LONE STAR TECHNOLOGICAL
INNOVATIONS, LLC,**

Plaintiff,

v.

ASUSTEK COMPUTER INC.,

Defendant

Civil Action No. 6:19-CV-00059-RWS

DOCKET CONTROL ORDER -
NEW TRIAL ON DAMAGES

The Court enters the following Docket Control Order for the new trial on damages between Plaintiff Lone Star Technological Innovations, LLC and Defendant ASUSTeK Computer Inc.

	Events
3 DAYS after conclusion of Trial	Parties to file Motion to Seal Trial Exhibits , if they wish to seal any highly confidential exhibits. EXHIBITS: See Order Regarding Exhibits below.
June 27, 2022*	9:00 a.m. JURY TRIAL before Judge Robert W. Schroeder III, in Tyler, Texas.

	Events
June 27, 2022*	9:00 a.m. JURY SELECTION before Judge Robert W. Schroeder III, in Tyler, Texas.
June 16, 2022*	10:00 a.m. PRETRIAL CONFERENCE before Judge Robert W. Schroeder III, in Texarkana, Texas. All pending motions will be heard. Lead trial counsel must attend the pretrial conference.
June 13, 2022	File a Notice of Time Requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
June 9, 2022	File Responses to <i>Motions in Limine</i>.
June 2, 2022	File <i>Motions in Limine</i> and pretrial objections. The parties are ORDERED to meet and confer to resolve any disputes before filing any motion in limine or objection to pretrial disclosures.
June 2, 2022	File Joint Final Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials. Parties shall use the pretrial order form on Judge Schroeder's website.
May 31, 2022	Exchange Objections to Rebuttal Deposition Testimony.
May 27, 2022	Exchange Rebuttal Designations and Objections to Deposition Testimony. For rebuttal designations, cross examination line and page numbers to be included. In video depositions, each party is responsible for preparation of the final edited video in accordance with

	Events
	their parties' designations and the Court's rulings on objections.
May 27, 2022	<p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court.</p>
May 27, 2022	<p>Exchange Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof.</p> <p>Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall serve a disclosure identifying the line and page numbers to be offered.</p>
May 27, 2022*	<p>Deadline for Daubert Motions.</p> <p>Motions shall comply with Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p> <p>For each motion filed, the moving party SHALL provide the Court with one (1) copy of the completed briefing (opening motion, response, reply, and if applicable, surreply), excluding exhibits, in a three-ring binder appropriately tabbed. All documents shall be double-sided and must include the CM/ECF header. These copies shall be delivered to Judge Schroeder's chambers in Texarkana as soon as briefing has completed.</p>
May 27, 2022	<p>Deadline to complete all discovery and to file any motions to compel.</p> <p>A motion for leave must be filed and granted for any party to submit a motion for summary judgment.</p>

	Events
May 23, 2022	Deadline to designate any rebuttal experts and to serve rebuttal reports.
May 13, 2022	<p>Deadline for parties bearing the burden of proof to designate supplemental expert witnesses on the issue of damages and to serve supplemental expert reports. Refer to Local Rules for required information.</p> <p>If, without agreement, a party serves a supplemental expert report after the supplemental expert report deadline has passed, the serving party must file notice with the Court stating service has occurred and the reason why a supplemental report is necessary under the circumstances.</p>
May 6, 2022*	Comply with Paragraphs 1 and 3 of the Discovery Order (Initial and Additional Disclosures)
2.5 days	EXPECTED LENGTH OF TRIAL

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

In the event that any of these dates fall on a weekend or Court holiday, the deadline is modified to be the next Court day.

The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.”

A party may request an oral hearing on a motion filed with the Court. Any such request shall be included in the text or in a footnote on the first page of the motion or any responsive pleading thereto. The Court does not hold telephonic hearings absent unusual circumstances.

Other Limitations

- (a) Motions in Limine: Each side is limited to one (1) motion *in limine* addressing no more than ten (10) disputed issues. In addition, the parties may file a joint motion *in limine* addressing any agreed issues. The Court views motions *in limine* as appropriate for those things that will create the proverbial “skunk in the jury box,” e.g., that, if mentioned in front of the jury before an evidentiary ruling can be made, would be so prejudicial that the Court could not alleviate the prejudice with an appropriate instruction. Rulings on motions *in limine* do not exclude evidence, but prohibit the party from offering the disputed testimony prior to obtaining an evidentiary ruling during trial.
- (b) Exhibits: Each side is limited to designating 250 exhibits for trial absent a showing of good cause. The parties shall use the exhibit list sample form on Judge Schroeder’s website.
- (c) Deposition Designations: Each side is limited to designating no more than ten (10) hours of deposition testimony for use at trial absent a showing of good cause. As trial approaches, if either side needs to designate more than ten (10) hours, the party may file a motion for leave and show good cause. All depositions to be read into evidence as part of the parties’ case-in-chief shall be EDITED so as to exclude all unnecessary, repetitious, and irrelevant testimony; ONLY those portions which are relevant to the issues in controversy shall be read into evidence.
- (d) Witness Lists: The parties shall use the sample form on Judge Schroeder’s website.

ORDER REGARDING EXHIBITS, EXHIBIT LISTS AND WITNESS LISTS:

A. On the first day of trial, each party is required to have:

- 1) One copy of their respective original exhibits on hand. Each exhibit shall be properly labeled with the following information: Identified as either Plaintiff's or Defendant's Exhibit, the Exhibit Number and the Case Number.
- 2) Three hard copies of each party's exhibit list and witness list on hand.
- 3) One copy of all exhibits on USB Flash Drive(s) or portable hard drive(s). This shall be tendered to the Courtroom Deputy at the beginning of trial.
- 4) One copy of all expert reports on CD. This shall be tendered to the Courtroom Deputy at the beginning of trial.

B. The parties shall follow the process below to admit exhibits.

- 1) *On the first day of trial*, each party shall tender a preadmitted list of exhibits it plans to admit into evidence. This list shall include all exhibits which are NOT objected to or to which the Court has already overruled an objection. To the extent there are exhibits with outstanding objections for which the parties need a ruling from the Court, those exhibits should be separately included on the list and designated accordingly to reflect a pending objection. Parties shall entitle the list “[Plaintiff’s/Defendant’s] List of Preadmitted Exhibits.” If, during the course of the day’s testimony, a party wishes to offer an objected exhibit into evidence, the party may move for admission at the time it wishes to use that exhibit with a witness. The Court will then hear the opposing party’s objection and will rule on the objection at that time.
- 2) *On each subsequent day of trial*, the Court will commence by formally admitting all of the exhibits that were either unobjection to or allowed over objection and used during the previous day’s trial. The Court will ask for these exhibits to be read into the record and formally admitted into evidence at the beginning of that trial day. These will be the exhibits deemed admitted at trial. The parties shall keep a separate running list of all exhibits admitted throughout the course of trial.
- 3) *At the conclusion of evidence*, each party shall read into the record any exhibit that was used but not previously admitted during the course of trial and then tender its final list of every admitted exhibit, entitled “[Plaintiff’s/Defendant’s] Final List of All Admitted Exhibits.” To the extent there are exhibits that were not admitted during the course of trial, but for which there is agreement that they should be provided to the jury, the parties must inform the Court of those exhibits at the conclusion of evidence. The Court will then determine whether those exhibits will be allowed into the jury room for deliberations.

C. At the conclusion of evidence, each party shall be responsible for pulling those exhibits admitted at trial and shall tender those to the Courtroom Deputy, who will verify the exhibits and tender them to the jury for their deliberations. One representative from each side shall meet with the Courtroom Deputy to verify the exhibit list.

- D. At the conclusion of trial, all boxes of exhibits shall be returned to the respective parties and the parties are instructed to remove these exhibits from the courtroom.
- E. Within five business days of the conclusion of trial, each party shall submit to the Courtroom Deputy:
 - 1) A Final Exhibit List of Exhibits Admitted During Trial in Word format.
 - 2) Two CD(s) containing admitted unsealed trial exhibits in PDF format. If the Court ordered any exhibits sealed during trial, the Sealed Exhibits shall be submitted on a separate CD. If tangible or over-sized exhibits were admitted, such exhibits shall be substituted with a photograph in PDF format.
 - 3) A disk containing the transcripts of Video Depositions played during trial, along with a copy of the actual video deposition.

So ORDERED and SIGNED this 22nd day of April, 2022.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE